SENATE BILL NO. 322

INTRODUCED BY FRITZ, NISBET

IN THE SENATE

	IN THE SENATE
FEBRUARY 8, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 22, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 23, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 25, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 18, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1991	SECOND READING, CONCURRED IN.
MARCH 21, 1991	THIRD READING, CONCURRED IN. AYES, 97; NOES, 2.
	RETURNED TO SENATE.
	IN THE SENATE
MARCH 22, 1991	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	Sente BILL NO. 322
2	INTRODUCED BY July Nishel
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A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN EXEMPTION TO MOTOR CARRIER LAWS FOR PRIVATE, NONPROFIT ORGANIZATIONS PROVIDING TRANSPORTATION OF HANDICAPPED AND ELDERLY PERSONS;

AND AMENDING SECTION 69-12-102, MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-102, MCA, is amended to read:

11 "69-12-102. Scope of chapter -- exemptions. (1) This
12 chapter does not affect:

- (a) motor vehicles used in carrying property consisting of agricultural commodities (not including manufactured products thereof) if the motor vehicles are not used in carrying other property or passengers for compensation;
- (b) the operation of school buses which are used in conveying pupils or other students enrolled in classes to and from district or other schools or in transportation movements related to school activities which are sponsored or supervised by school authorities;
- (c) the transportation by means of motor vehicles in the regular course of business of employees, supplies, and materials by a person or corporation engaged exclusively in the construction or maintenance of highways or engaged

1 exclusively in logging or mining operations, insofar as the

2 use of employees, supplies, and materials in construction

and production is concerned;

- (d) the transportation of property by motor vehicle in a city, town, or village with a population of less than 500 persons according to the latest United States census or in the commercial areas thereof, as determined by the commission;
- 9 (e) the transportation of newspapers, newspaper
 10 supplements, periodicals, or magazines;
- 11 (f) tow trucks and wreckers designed and exclusively
 12 used in towing abandoned, wrecked, or disabled vehicles or
 13 while these tow trucks and wreckers are rendering assistance
 14 to abandoned, wrecked, or disabled vehicles;
- 15 (g) motor vehicles used exclusively in carrying junk 16 vehicles from a collection point to a motor vehicle wrecking 17 facility or a motor vehicle graveyard:
 - (h) ambulances;

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- 19 (i) the transportation of pit run or processed sand and 20 gravel, concrete mix, aggregate, plant mix asphalt pavement, 21 aggregate mix, dirt, rock, material from demolished 22 buildings and structures, used paving materials, used
- 23 concrete, broken concrete, riprap, and other forms and types
- 24 of materials transported solely for the purpose of
- 25 excavation or fill;

- 1 (j) the transportation by motor vehicle of not more
 2 than 15 passengers between their places of residence or
 3 termini near their residences and their places of employment
 4 in a single daily round trip if the driver is also on his
 5 way to or from his place of employment;
- 6 (k) the transportation of property by motor carrier as
 7 part of a continuous movement if such property, prior or
 8 subsequent to such part of a continuous movement, has been
 9 or will be transported by an air carrier;
- 10 (1) the operation of:
- 11 (i) a transportation system by a municipality or 12 transportation district as provided in Title 7, chapter 14, 13 part 2; or
- 14 (ii) municipal bus service pursuant to Title 7, chapter
 15 14, part 44;
- 16 (m) armored motor vehicles used exclusively for the
 17 transportation of coins, currency, silver bullion, gold
 18 bullion, and other precious metals, precious stones,
 19 valuable paintings, and other items of unusual value
- 20 requiring special handling and security; or
- 21 (n) the transportation of a commodity under an 22 agreement between a motor carrier and an office or agency of
- 23 the United States government; or
- 24 (o) the transportation of handicapped or elderly
 25 persons provided by private, nonprofit organizations.

- 1 (2) This chapter does not prevent bona fide leases,
- 2 brokerage agreements, or buy-and-sell agreements."

-End-

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excavation or fill;

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

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2	INTRODUCED BY FRITZ, NISBET
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN EXEMPTION
5	TO MOTOR CARRIER LAWS FOR PRIVATE, NONPROFIT ORGANIZATIONS
6	PROVIDING TRANSPORTATION OF HANDICAPPED AND ELDERLY PERSONS;
7	AND AMENDING SECTION 69-12-102, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 69-12-102, MCA, is amended to read:
11	"69-12-102. Scope of chapter exemptions. (1) This
12	chapter does not affect:
13	(a) motor vehicles used in carrying property consisting
14	of agricultural commodities (not including manufactured
15	products thereof) if the motor vehicles are not used in
16	carrying other property or passengers for compensation;
17	(b) the operation of school buses which are used in
18	conveying pupils or other students enrolled in classes to
19	and from district or other schools or in transportation
20	movements related to school activities which are sponsored
21	or supervised by school authorities;
22	(c) the transportation by means of motor vehicles in
23	the regular course of business of employees, supplies, and
24	materials by a person or corporation engaged exclusively in
25	the construction or maintenance of highways or engaged

1	exclusively in logging or mining operations, insofar as the
2	use of employees, supplies, and materials in construction
3	and production is concerned;
4	(d) the transportation of property by motor vehicle in
5	a city, town, or village with a population of less than 500
6	persons according to the latest United States census or in
7	the commercial areas thereof, as determined by the
8	commission;
9	(e) the transportation of newspapers, newspaper
10	supplements, periodicals, or magazines;
11	(f) tow trucks and wreckers designed and exclusively
12	used in towing abandoned, wrecked, or disabled vehicles or
13	while these tow trucks and wreckers are rendering assistance
14	to abandoned, wrecked, or disabled vehicles;
15	(g) motor vehicles used exclusively in carrying junk
16	vehicles from a collection point to a motor vehicle wrecking
17	facility or a motor vehicle graveyard;
18	(h) ambulances;
19	(i) the transportation of pit run or processed sand and
20	gravel, concrete mix, aggregate, plant mix asphalt pavement,
21	aggregate mix, dirt, rock, material from demolished
22	buildings and structures, used paving materials, used
23	concrete, broken concrete, riprap, and other forms and types
24	of materials transported solely for the purpose of

(j) the transportation by motor vehicle of not more
than 15 passengers between their places of residence or
termini near their residences and their places of employment
in a single daily round trip if the driver is also on his
way to or from his place of employment;

- (k) the transportation of property by motor carrier as part of a continuous movement if such property, prior or subsequent to such part of a continuous movement, has been or will be transported by an air carrier;
- (1) the operation of:

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- 11 (i) a transportation system by a municipality or 12 transportation district as provided in Title 7, chapter 14, 13 part 2; or
- 14 (ii) municipal bus service pursuant to Title 7, chapter
 15 14, part 44;
 - (m) armored motor vehicles used exclusively for the transportation of coins, currency, silver bullion, gold bullion, and other precious metals, precious stones, valuable paintings, and other items of unusual value requiring special handling and security; or
- 21 (n) the transportation of a commodity under an 22 agreement between a motor carrier and an office or agency of 23 the United States government; or
- 24 (o) the transportation of handicapped or elderly 25 persons provided by private, nonprofit organizations. AS

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3	PHYSICAL O	R MENTAL IMI	PAIRMENT	THAT	SUBSTAN	TIALLY	LIMITS	ONE
4	OR MORE MAJ	OR LIFE ACT	VITIES;					
5	(II) "E	LDERLY" MEA	NS A PER	SON 60	YEARS	OF AGE	OR OLD	ER;
6	AND							
7	(111) "	PRIVATE, I	NONPROFI	r or	GANIZAT	ION"	MEANS	Al
8	ORGANIZATIO	N RECOGNIZE	AS NON	PROFIT	UNDER	SECTION	501(C)	OI
9	THE INTERNA	L REVENUE CO	DDE.					
0	(2) Th	is chapter	does	not p	prevent	bona fi	de leas	ses
1	hrokerane a	greemente /	or buyes	nd-cal	l agree	mente "	i	

-End-

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USED IN THIS SUBSECTION:

52nd Legislature SB 0322/02

1	SENATE BILL NO. 322	1	exclusively in logging or mining operations, insofar as the
2	INTRODUCED BY FRITZ, NISBET	2	use of employees, supplies, and materials in construction
3		3	and production is concerned;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN EXEMPTION	4	(d) the transportation of property by motor vehicle in
5	TO MOTOR CARRIER LAWS FOR PRIVATE, NONPROFIT ORGANIZATIONS	5	a city, town, or village with a population of less than 500
6	PROVIDING TRANSPORTATION OF HANDICAPPED AND ELDERLY PERSONS;	6	persons according to the latest United States census or in
7	AND AMENDING SECTION 69-12-102, MCA."	7	the commercial areas thereof, as determined by the
8		8	commission;
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	(e) the transportation of newspapers, newspaper
10	Section 1. Section 69-12-102, MCA, is amended to read:	10	supplements, periodicals, or magazines;
11	*69-12-102. Scope of chapter exemptions. (1) This	11	(f) tow trucks and wreckers designed and exclusively
12	chapter does not affect:	12	used in towing abandoned, wrecked, or disabled vehicles or
13	(a) motor vehicles used in carrying property consisting	13	while these tow trucks and wreckers are rendering assistance
14	of agricultural commodities (not including manufactured	14	to abandoned, wrecked, or disabled vehicles;
15	products thereof) if the motor vehicles are not used in	15	(g) motor vehicles used exclusively in carrying junk
16	carrying other property or passengers for compensation;	16	vehicles from a collection point to a motor vehicle wrecking
17	(b) the operation of school buses which are used in	17	facility or a motor vehicle graveyard;
18	conveying pupils or other students enrolled in classes to	18	(h) ambulances;
19	and from district or other schools or in transportation	19	(i) the transportation of pit run or processed sand and
20	movements related to school activities which are sponsored	20	gravel, concrete mix, aggregate, plant mix asphalt pavement,
21	or supervised by school authorities;	21	aggregate mix, dirt, rock, material from demolished
22	(c) the transportation by means of motor vehicles in	22	buildings and structures, used paving materials, used
23	the regular course of business of employees, supplies, and	23	concrete, broken concrete, riprap, and other forms and types
24	materials by a person or corporation engaged exclusively in	24	of materials transported solely for the purpose of
25	the construction or maintenance of highways or engaged	25	excavation or fill;

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- 1 (j) the transportation by motor vehicle of not more
 2 than 15 passengers between their places of residence or
 3 termini near their residences and their places of employment
 4 in a single daily round trip if the driver is also on his
 5 way to or from his place of employment;
- 6 (k) the transportation of property by motor carrier as
 7 part of a continuous movement if such property, prior or
 8 subsequent to such part of a continuous movement, has been
 9 or will be transported by an air carrier;
- 10 (1) the operation of:

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- 11 (i) a transportation system by a municipality or 12 transportation district as provided in Title 7, chapter 14, 13 part 2; or
- (ii) municipal bus service pursuant to Title 7, chapter
 14, part 44;
 - (m) armored motor vehicles used exclusively for the transportation of coins, currency, silver bullion, gold bullion, and other precious metals, precious stones, valuable paintings, and other items of unusual value requiring special handling and security; or
- 21 (n) the transportation of a commodity under an 22 agreement between a motor carrier and an office or agency of 23 the United States government; or
- 24 (o) the transportation of handicapped or elderly 25 persons provided by private, nonprofit organizations. AS

- used in this subsection:
- 2 (I) "HANDICAPPED" MEANS AN INDIVIDUAL WHO HAS A
- 3 PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE
- 4 OR MORE MAJOR LIFE ACTIVITIES;
- 5 (II) "ELDERLY" MEANS A PERSON 60 YEARS OF AGE OR OLDER;
- 6 AND
- 7 (III) "PRIVATE, NONPROFIT ORGANIZATION" MEANS AN
- 8 ORGANIZATION RECOGNIZED AS NONPROFIT UNDER SECTION 501(C) OF
- 9 THE INTERNAL REVENUE CODE.
- 10 (2) This chapter does not prevent bona fide leases,
- brokerage agreements, or buy-and-sell agreements."

-End-

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